

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MULTISTAR INDUSTRIES, a
Washington corporation,

Plaintiff,

v.

GENERAL MOTORS, LLC, a
Delaware Corporation headquartered in
Detroit, Michigan and registered to do
business in Washington as a foreign
corporation,

Defendant.

NO: 2:19-CV-0182-TOR

ORDER OF DISMISSAL WITH
PREJUDICE

BEFORE THE COURT is the Order to Show Cause (ECF No. 67). The Court has reviewed the record and files herein, and is fully informed. On or about February 17, 2021, the Parties notified the Court that this matter had been settled. *See* Order at ECF No. 63. The Court cancelled the jury trial which was scheduled for March 8, 2021. The Parties were directed to file a stipulated motion to dismiss and if such motion was not filed, the Court would hold a

1 telephonic status conference. *Id.* The telephonic status conference was continued
2 three times to allow the parties to finalize the settlement and submit the stipulated
3 motion to dismiss. A telephonic status conference was scheduled for May 19,
4 2021. ECF No. 66. On May 19, 2021, neither party attended the scheduled
5 telephonic status conference at 8:15 a.m., nor did they file a stipulated motion to
6 dismiss. Accordingly, the Court Ordered the Parties to show cause, on or before
7 June 2, 2021, why this case should not be dismissed with prejudice and without an
8 award of fees or costs to either party. ECF No. 67.

9 Once again, neither party has responded to the Court's Order. Having been
10 informed that the Parties have settled this case, the Court finds that the Parties no
11 longer have an interest in continuing this litigation. Plaintiff certainly has failed to
12 prosecute this matter since informing the Court that the matter has settled.

13 The Court has weighed the factors required to be considered prior to dismissal.
14 *Carey v. King*, 856 F.2d 1439, 1440 (9th Cir. 1988) (quoting five factors listed in
15 *Henderson v. Duncan*, 779 F.2d 142, 1423 (9th Cir. 1986)). It would be absurd to
16 require this Court to hold this case in abeyance indefinitely waiting to see if the
17 Parties would someday file a stipulated motion to dismiss.

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1 **ACCORDINGLY, IT IS HEREBY ORDERED:**

2 Pursuant to Rule 41 and the Parties' notification that the case has settled, this
3 action is **DISMISSED** with prejudice and without an award of fees or costs
4 to either party.

5 The District Court Executive is directed to enter this Order and Judgment of
6 Dismissal, furnish copies to counsel, and **CLOSE** the file.

7 DATED June 4, 2021.



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Thomas O. Rice
THOMAS O. RICE
United States District Judge